

Issuance of Provisional EPA ID Numbers

As adopted by reference from the federal regulations under 40 CFR Part 260.10, in Part I of the Virginia Hazardous Waste Management Regulations (VHWMR) a generator is defined as "any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation." In general, anyone or any facility generating hazardous waste is required to obtain an EPA Identification Number for their specific site location by filing a Notification of Hazardous Waste Activity through EPA Form 8700-12 and obtaining a permanent EPA ID number for that site.

Virginia has provided for issue of Provisional EPA ID Numbers to generators in cases where a site does not normally hold a permanent ID number but has generated hazardous waste due to some unusual circumstance, or in cases when an emergency situation arises necessitating expedient management of a hazardous waste, or in cases where the waste generation activity will only be temporary and of short duration, such as a specific job or contract activity. Provisional numbers allow a mechanism for generators to meet the EPA ID Number / Notification requirement without congesting the RCRAInfo system with permanent numbers that may only be temporal.

The regulatory language under 9 VAC 20-60-328 states "If an emergency or other unusual incident occurs which causes a necessity for the rapid transport of a hazardous waste to an authorized hazardous waste management facility, the generator involved in such a circumstance can telephone the Department of Environmental Quality (804-698-4000) and obtain provisional identification number. Applicants receiving such a number will be mailed a blank EPA Form 8700-12 that shall be completed and returned to the Department of Environmental Quality regional office within 10 calendar days."

Issuance of provisional numbers for situations other than an "emergency or other unusual incident" is solely at the discretion of Department staff in accordance with the principles described in this compliance assistance document. For situations where it is determined that issuance of a provisional number is inappropriate, the generator may apply for and will be issued a permanent EPA ID number in accordance with federal and state regulations.

As a matter of policy, the 8700-12 form must be completed and faxed or mailed to the issuing office BEFORE the number is issued. We require this because there have been numerous instances where the Provisional ID number recipient fails to return the required form for verbally issued numbers. This is a particularly serious concern if there are repeat occurrences of this type of behavior, usually involving jobbers/contractors, and the Department may consider possible enforcement action in such cases as a 'failure to notify' violation of the regulations. However, a Provisional ID number will be issued verbally by the regional office or central office immediately in cases of extreme emergency involving a hazardous waste threat to public health and safety or the environment. The recipient is still required to complete and submit a copy of the 8700-12 notification form within 10 days as part of the required paperwork. Generators who may require a Provisional ID number should make arrangements to obtain it in advance of their anticipated need, to the extent possible.

In some cases, contractors performing the work at a job site will request the number rather than the property owner/contracting agent. While DEQ would certainly encourage and recommend that the contracting agent exercise primary responsibility for obtaining the number because they are the primary generator sharing co-generator responsibilities with the contractor, it is not a specific regulatory requirement. Nonetheless, DEQ regional staff may use discretion in issuing provisional EPA ID numbers directly to co-generator contractors, and must be assured in such cases that the primary generator/contracting agent is cognizant of his generator responsibilities under the regulations and those that are implied by issuance of the number.

In general, provisional numbers are NOT issued to contractors working on a fixed site to which a Permanent EPA Identification Number has already been issued. This matter has been discussed in the Department's letter to Norshipco (dated 7/29/92, "Determination of Generator Status"). Contractors are usually working on a fixed site as a result of being hired/contracted by the property owner, who will have primary responsibility as the site hazardous waste generator even though the contractor is also acting as,

and has responsibilities as, the co-generator. Nor are provisional numbers usually issued to landfills or other fixed site locations that have established permanent household hazardous waste (HHW) collection programs at their facilities and require a number for shipping the waste to a TSD facility (DEQ's "Interim Recommendations for Household Waste Collection", rev. 5/93). Permanent HHW collection programs are issued permanent numbers as Conditionally Exempt Small Quantity Generators (CESQGs). However, provisional numbers may be issued to one-day-event type collection programs, or for temporary "sweep" programs such as mercury or pesticide collection under the universal waste rule. Any determinations for these unusual circumstances will have to be made on a case-by-case basis.

Of course, if a handler will be routinely generating hazardous waste at a fixed site on a regular or even episodic basis, he must obtain a permanent EPA ID number if his generation category requires it (i.e., anything greater than CESQG). In such cases a provisional number is inappropriate. For example, a college or university that may routinely exceed CESQG waste generation levels during semester changeovers when cleaning out chemical stocks or lab waste, or a fuel storage facility that becomes a large generator when cleaning out tanks once a year, would be candidates for a permanent number.

DEQ regional staff will record information in a logbook, or by other permanent system, that lists the Provisional Number, the generator/contractor information (or both), date, location, type and amount of waste, and maintain a copy of the returned 8700-12 form. Offices may also request information on the transporter and destination TSD facility to verify that they hold proper authorizations or permits to manage hazardous waste.

It has long been the Department's practice that these numbers expire thirty (30) days from the date of issue and may be used up to two times within that 30 day period (for the same waste generation operation). However, there may be certain situations where a provisional number can be issued for a project that may last for a longer period (e.g. a bridge repainting operation, or short term lead paint abatement project). Such determination must be made on a case-by-case basis. The following describes some possible scenarios where a provisional number may also require use more than once:

- A handler has filed a Notification for a permanent number but the number has not yet been issued.
- When hazardous waste has been discovered on the same property and shipments must be made separately to different TSD facilities or on different days, or if subsequent discovery occurs at some interval shortly after the first discovery.
- When there is a short-term remediation project extending over a 30-day period that may involve more than one shipment, which takes place at the same location.

The DEQ Regional office compliance staff are authorized to issue provisional numbers and will be the primary contacts for those seeking provisional numbers. Maria Livaniou is the Central Office contact for permanent numbers and can also issue provisional numbers if no regional staff are available. The following contacts may be used:

- Southwest Regional Office (SWRO) - [Stacy Bowers](#) (276) 676-4841
- Blue Ridge Regional Office (BRRO) - (Roanoke) [Beth Lohman](#) (540) 562-6799 [Kim Thompson](#) (540) 562-6819, [Rebecca Wright](#) (540) 562-6811 (Lynchburg) [Todd Nash](#) (4334) 582-6215
- Valley Regional Office (VRO) -- [Jed Pascarella](#) (540) 574-7838, [Paul Hansohn](#) (540) 574-7819
- Tidewater Regional Office (TRO) -- [Lisa Silvia](#) (757) 518-2175
- Piedmont Regional Office (PRO) - [Clint Shettle](#) (804) 527-5032 [Liana Shrader](#) (804) 527-5153
- Northern Virginia Regional Office (NRO) [Tammy Gumbita](#) (703) 583-3877, [Richard Doucette](#) (703) 583-3813
- Central Office -- Primary contact for Permanent EPA ID Numbers and backup contact for Provisional EPA ID Numbers (always contact the Regional office first) --- [Maria G. Livaniou](#) (804) 698 - 4208
(804) 698-4218

Emergency transporter permits and emergency treatment permits, which may also require a provisional EPA Identification Number, are issued by Julia King-Collins of the Central Office. She may be contacted at (804) 698-4237.

Virginia Department of Environmental Quality
Hazardous Waste Technical Advisor/Compliance Coordinator
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